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EX PARTE

June 23, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Data Requested in Special Access NPRM, WC Docket No. 05-25 and
RM-10593**

Dear Ms. Dortch:

On June 22, 2011, John Ryan (Chief Legal Officer) and Nicolas Pujet (Senior Vice President of Corporate Strategy) of Level 3 had a telephone conference with Eric Ralph, Elizabeth McIntyre and Steven Rosenberg of the Federal Communications Commission ("Commission") to discuss issues associated with special access. The discussion involved the types of pricing data concerning tariffed and non-tariffed special access purchases by Level 3 that might be available and useful to enable the Commission to more fully evaluate competition relating to such purchases. Level 3 stressed that, once full pricing information is collected and evaluated for purchases of special access from incumbent carriers, comparison of unit pricing and unit pricing trends to other communications services (such as intercity transport services or high-speed IP services) might be useful.

Level 3 also stressed that, consistent with its past filings in this docket (specifically its filing dated August 20, 2010¹), the Commission can and should examine the impact of demand lock-up agreements on the competitive environment for special access services. Level 3 indicated that most significant purchasers of special access are required by the incumbents to commit to purchase 90-100% of their past year's spend in order to obtain discounts from what are otherwise very high "rack rates" for special access services. Level 3 stressed that most significant purchasers of special access agree to the demand lock-ups because the incumbent carrier is the only option in a significant portion of the geographic market, and paying the rack rates for special access services to these locations overwhelms the significant savings that can be achieved by using competitive carriers in areas where they are capable of providing service.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Erin Boone

cc: (via email) Eric Ralph, Elizabeth McIntyre, Steven Rosenberg

¹ See Letter from John M. Ryan, Assistant Chief Legal Officer, Level 3 Communications, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-25; RM-10593 (filed Aug. 20, 2010) at 1.